



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

MINUTES

KAUAI/NIIHAU ISLAND BURIAL COUNCIL MEETING

DATE: THURSDAY, May 7, 2009
TIME: 9:00 A.M. to 12:00 P.M.
PLACE: Grove Farm Conference Room
3-1850 Kaumualii Highway
Lihue, Kauai 96766

I. OPENING REMARKS

Chairman Kunane Aipoalani called the meeting to order at 9:10 a.m.
Opening Pule was offered by Chairman Aipoalani.
Roll Call established a quorum of commissioners present to conduct business.

Introduction and Attendance are as follows:

KNIBC commissioners:

- | | |
|----------------------|------------------------------------|
| 1. Kunane Aipoalani, | KNIBC Chairman |
| 2. Keith Yap, | KNIBC Vice-Chairman |
| 3. Dee Crowell, | Landowner-Developer Representative |
| 4. John Kruse, | Koloa District Representative |
| 5. Mike Loo, | Landowner-Developer Representative |
| 6. Sandra Quinsaas, | Koloa District Representative |
| 7. Leiana Robinson, | Niihau Island Representative |

Excused commissioners:

- | | |
|------------------|---------------------------------|
| 1. Barbara Say, | Hanalei District Representative |
| 2. Presley Wann, | Na Pali District Representative |

SHPD staff:

Nancy McMahon, Deputy SHPO/State Archaeologist
Phyllis Coochie Cayan, History & Culture Branch Chief

Deputy AG: Rowena Somerville, Esq.

II. APPROVAL OF MINUTES OF MARCH 5, 2009

Motion by Dee Crowell to accept the KNIBC minutes of March 5, 2009 as submitted.

Motion seconded by Mike Loo.

Vote to accept the KNIBC minute of March 5, 2009 was unanimous by consensus.

The motion passed to accept the KNIBC minutes of March 5, 2009 as submitted.

III. INADVERTENT UPDATES

A. Poipu Crater Condominiums Septic System Improvements, Koloa, Kauai in the Ahupua'a of Weliweli, TMK: 2-8-20-35. Information/discussion/recommendation. Inadvertent find of undetermined fragments of human remains at project for 16 septic system improvements.

Deputy SHPO McMahon updated the council on the inadvertent finds at this project. The first inadvertent burial was discovered in a partial lava-sand area proposed for a leach field. This was re-designed to avoid any further disturbances. The burial was relocated and reinterred on the property in a safer location. This project will have 16 septic fields per house. McMahon is following up with SCS who is monitoring the project.

B. Crawley Residence, Halelea, Ahupua'a of Kahiliwai, Kauai. TMK: 5-3-003-042 Lot#2. Information/discussion/recommendation. Inadvertent find of human skeletal remains along driveway and retaining wall construction.

McMahon reported this area has six homes where there was once an old Chinese-Japanese plantation cemetery nearby. The cemetery is inactive. A burial was discovered and left in situ during the construction of a retaining wall that required backfill for the driveway where the dirt was eroding. A higher wall and contour design for this driveway was done with an archaeology monitor was on site. No other finds were reported.

IV. BUSINESS

Training by the Office of the Attorney General for the KNIBC on Chapter 6, Hawaii Revised Statutes and Chapter 13-300, Hawaii Administrative Rules.

Deputy AG Sommerville conducted a training for the KNIBC commissioners with a manual entitled "Summary of Law Relating to Burial Councils as of April 2009" and with a power point presentation. Topics discussed included but not limited to the following items:

- What is the composition of the burial councils and how do they operate and carry out business?
- How are burial sites and their ethnicity determined?
- How are lineal and cultural descendants recognized by the burial councils?
- What is the burial council's role with regard to previously identified burials of Native Hawaiians?
- What is the burial council's role with regard to inadvertent discovery of human remains?
- Understanding burial treatment plans, preservation plans, archaeological data recovery plans, and mitigation plans.
- Hawaii Revised Statutes, Chapter 6E
- Hawaii Administrative Rules, Chapter 13-300

V. SITE VISIT. KNIBC site visit to a location of human skeletal remains. * This portion of the meeting will be held in executive session pursuant to Section 6E-43.5(d).

Motion by Mike Loo to go into executive session for the above item.

Motion seconded by Dee Crowell. Motion passed unanimously.

KNIBC went into executive session to discuss the site visit to a location of na iwi.

Motion by Aipoalani, seconded by Keith Yap to come out of executive session.

The motion passed unanimously to end executive session.

VI. ANNOUNCEMENTS. There were no announcements.

VII. ADJOURNMENT. Motion by Yap, seconded by Loo to adjourn. The meeting adjourned at 11:30 a.m.

KNIBC Minutes submitted by P. Coochie Cayan.....Dated: 5/27/09

Note: No taping equipment was available for this council meeting.